

1 THE HONORABLE SALVADOR MENDOZA, JR.

2 MARC ROSENBERG
3 LEE SMART, P.S., INC.
4 1800 One Convention Place
5 701 Pike Street
6 Seattle, WA 98101-3929
7 (206) 624-7990
8 Attorneys for Defendants

6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF WASHINGTON AT SPOKANE

8 REFAEL SOFAIR, individually
9 and on behalf of all others
10 similarly situated,

11 Plaintiff,

12 vs.

11 GIGA WATT, INC., GIGAWATT
12 PTE. LTD., DAVID MATTHEW
13 CARLSON, and DOES 1-10,

13 Defendants.

No. 2:18-cv-00308-SMJ

NOTICE OF BANKRUPTCY
STAY; AND

NOTICE OF RELATED CASES
FOR PURPOSES OF POSSIBLE
CONSOLIDATION

14 TO THE CLERK OF COURT, AND OTHER INTERESTED PARTIES:

15 **I. NOTICE OF BANKRUPTCY STAY**

16 PLEASE TAKE NOTICE that the Giga Watt, Inc. (the “Debtor”) filed a
17 voluntary petition under chapter 11 of the United States Bankruptcy Code on
18 November 19, 2018. The Debtor’s bankruptcy reorganization case is pending
19 before the United States Bankruptcy Court for the Eastern District of Washington,
20 as Case No. 18-03197-FPC11. A copy of the face-page of the Debtor’s chapter 11
21 petition is attached hereto.

22 PLEASE TAKE FURTHER NOTICE that upon the filing of the Debtor’s
23 chapter 11 petition an automatic stay went into pursuant to 11 U.S.C. § 362. As a
24 result, at this time, all entities are stayed and prohibited from:

25 (1) the commencement or continuation, including the issuance or

1 employment of process, of a judicial, administrative, or other
2 action or proceeding against the debtor that was or could have
3 been commenced before the commencement of the case under
4 this title, or to recover a claim against the debtor that arose
before the commencement of the case under this title;

5 (2) the enforcement, against the debtor or against property of the
6 estate, of a judgment obtained before the commencement of the
7 case under this title;

8 (3) any act to obtain possession of property of the estate or of
9 property from the estate or to exercise control over property of
the estate;

10 (4) any act to create, perfect, or enforce any lien against property of
11 the estate;

12 (5) any act to create, perfect, or enforce against property of the
13 debtor any lien to the extent that such lien secures a claim that
arose before the commencement of the case under this title;

14 (6) any act to collect, assess, or recover a claim against the debtor
15 that arose before the commencement of the case under this title;

16 (7) the setoff of any debt owing to the debtor that arose before the
17 commencement of the case under this title against any claim
18 against the debtor; and

19 (8) the commencement or continuation of a proceeding before the
20 United States Tax Court concerning a tax liability of a debtor
21 that is a corporation for a taxable period the bankruptcy court
22 may determine or concerning the tax liability of a debtor who is
an individual for a taxable period ending before the date of the
order for relief under this title.

23 11 U.S.C. § 362.
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

II. NOTICE OF RELATED CASES

Giga Watt, Inc. also respectfully notes that there are other related consolidated cases before this Court, which have already been stayed. These cases include: *Moss v. Giga Watt, Inc., et al.*, Case No. 2:18-cv-00100-SMJ, which has already been consolidated into *McVicker, et al. v. Giga Watt, Inc., et al.*, Case No. 2:18-cv-00103-SMJ.

Giga Watt, Inc. takes no action by providing this notification. However, it would not object to *sua sponte* consolidation by this Court, along with a concurrent stay, should the Court find it to be judicially economical to do so.

Respectfully submitted this 10th day of January, 2019.

By: s/ Marc Rosenberg
Marc Rosenberg, WSBA No. 31034
Of Attorneys for Defendants
Giga Watt, Inc., and David Carlson

Lee Smart, P.S., Inc.
701 Pike Street, Suite 1800
Seattle, WA 98101-3929
Phone: 206-622-7990
mr@leesmart.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DECLARATION OF SERVICE

I hereby certify that on this date I filed the foregoing document with the Clerk of the Court using the court's ECF filing system, which will automatically serve the filing on registered users.

Douglas A. Hofmann dhofmann@williamskastner.com

John Alan Knox jknow@williamskastner.com

Timothy G. Blood tblood@bholaw.com

Dated this 10th day of January, 2019 at Seattle, Washington.

LEE SMART, P.S., INC.

By: s/ Marc Rosenberg
Marc Rosenberg, WSBA No. 31034
Of Attorneys for Defendants
Giga Watt, Inc., David Carlson

Lee Smart, P.S., Inc.
701 Pike Street, Suite 1800
Seattle, WA 98101-3929
Phone: 206-622-7990
mr@leesmart.com

Exhibit 1

Fill in this information to identify your case:

United States Bankruptcy Court for the:

EASTERN DISTRICT OF WASHINGTON

Case number (if known)

Chapter 11

☐ Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

4/16

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name GIGA WATT INC

2. All other names debtor used in the last 8 years

Include any assumed names, trade names and doing business as names

3. Debtor's federal Employer Identification Number (EIN) 81-4797010

4. Debtor's address Principal place of business

2504 Columbia Ave NW
East Wenatchee, WA 98802-3941
Number, Street, City, State & ZIP Code

DOUGLAS
County

Mailing address, if different from principal place of business

1250 N Wenatchee Ave, Suite H #147
Wenatchee, WA 98801

P.O. Box, Number, Street, City, State & ZIP Code

Location of principal assets, if different from principal place of business

Number, Street, City, State & ZIP Code

5. Debtor's website (URL)

6. Type of debtor

☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))

☐ Partnership (excluding LLP)

☐ Other. Specify: